

FILED

Date 8/29/12 By

Susan Saylor

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KENT D. HARRIS  
Deputy Attorney General  
4 State Bar No. 144804  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-7859  
Facsimile: (916) 327-8643  
7 Attorneys for Complainant

8 BEFORE THE  
STRUCTURAL PEST CONTROL BOARD  
9 DEPARTMENT OF PESTICIDE REGULATION  
10 STATE OF CALIFORNIA

11 In the Matter of the First Amended Accusation  
Against:

Case No. 2011-72(h)

12 SETH D. THOMAS  
13 P.O. Box 2466  
14 Bakersfield, CA 93303  
- and -  
15 1407 W. Thurman Avenue  
16 Porterville, CA 93257

FIRST AMENDED  
ACCUSATION

17 Field Representative's License No. FR 45034  
18 Applicator License No. RA 50224

Respondent.

19 Susan Saylor ("Complainant") alleges:

20 PARTIES

21 1. Complainant brings this First Amended Accusation solely in her official capacity as  
22 the Assistant Executive Officer of the Structural Pest Control Board ("Board"), Department of  
23 Pesticide Regulation.  
24

25 2. On or about December 14, 2009, the Board issued Field Representative's License  
26 Number FR 45034 to Seth D. Thomas ("Respondent"). The license was in full force and effect at  
27 all times relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.  
28

1       3.    On or about August 20, 2009, the Board issued Applicator License Number RA  
2   50224 to Respondent. The license was in full force and effect at all times relevant to the charges  
3   brought herein and will expire on August 20, 2012, unless renewed.

4                                   STATUTORY PROVISIONS

5       4.    Business and Professions Code ("Code") section 8620 provides, in pertinent part, that  
6   the Board may suspend or revoke a license when it finds that the holder, while a licensee or  
7   applicant, has committed any acts or omissions constituting cause for disciplinary action or in lieu  
8   of a suspension may assess a civil penalty.

9       5.    Code section 8625 states:

10           The lapsing or suspension of a license or company registration by operation of  
11   law or by order or decision of the board or a court of law, or the voluntary surrender  
12   of a license or company registration shall not deprive the board of jurisdiction to  
13   proceed with any investigation of or action or disciplinary proceeding against such  
14   licensee or company, or to render a decision suspending or revoking such license or  
15   registration.

16       6.    Code section 8641 states:

17           Failure to comply with the provisions of this chapter, or any rule or regulation  
18   adopted by the board, or the furnishing of a report of inspection without the making  
19   of a bona fide inspection of the premises for wood-destroying pests or organisms, or  
20   furnishing a notice of work completed prior to the completion of the work specified in  
21   the contract, is a ground for disciplinary action.

22       7.    Code section 8651 states:

23           The performing or soliciting of structural pest control work, the inspecting for  
24   structural or household pests, or the applying of any pesticide, chemical, or allied  
25   substance for the purpose of eliminating, exterminating, controlling, or preventing  
26   structural pests in branches of pest control other than those for which the operator,  
27   field representative, or applicator is licensed or the company is registered is a ground  
28   for disciplinary action.

COST RECOVERY

8.    Code section 125.3 provides, in pertinent part, that the Board may request the  
administrative law judge to direct a licentiate found to have committed a violation or violations of  
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case.

///

///

1 CAUSE FOR DISCIPLINE

2 (Unlicensed Activity)

3 9. Respondent's field representative license and applicator license are subject to  
4 discipline under Code section 8651, in that between August 13, 2009, and December 14, 2009,  
5 while an applicator, Respondent engaged in pest control work in a branch other than that for  
6 which he was licensed.

7 OTHER MATTERS

8 10. Code section 8620 provides, in pertinent part, that a respondent may request that a  
9 civil penalty of not more than \$5,000 be assessed in lieu of an actual suspension of 1 to 19 days,  
10 or not more than \$10,000 for an actual suspension of 20 to 45 days. Such request must be made  
11 at the time of the hearing and must be noted in the proposed decision. The proposed decision  
12 shall not provide that a civil penalty shall be imposed in lieu of a suspension.

13 11. Pursuant to Code section 8624, if Field Representative's License No. FR 45034,  
14 issued to Respondent, is suspended or revoked, the Board may suspend or revoke Registered  
15 Applicator's License No. RA 50224, issued to Respondent.

16 12. Pursuant to Code section 8654, if discipline is imposed on Field Representative's  
17 License No. FR 45034 and/or Registered Applicator's License No. RA 50224, issued to  
18 Respondent, then Respondent shall be prohibited from serving as an officer, director, associate,  
19 partner or responsible managing employee of a licensee, and any licensee which employs, elects,  
20 or associates Respondent shall be subject to disciplinary action.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
23 alleged, and that following the hearing, the Structural Pest Control Board issue a decision:

24 1. Revoking or suspending Field Representative's License Number FR 45034, issued to  
25 Seth D. Thomas;

26 2. Revoking or suspending Registered Applicator's License Number RA 50224, issued  
27 to Seth D. Thomas;  
28

1        3.    Revoking or suspending any other license for which Seth D. Thomas is furnishing the  
2    qualifying experience or appearance;

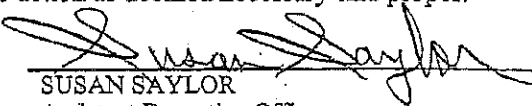
3        4.    Prohibiting Seth D. Thomas from serving as an officer, director, associate, partner,  
4    qualifying manager or responsible managing employee of any registered company during the  
5    period that discipline is imposed on Field Representative's License Number FR 45034, issued to  
6    Seth D. Thomas;

7        5.    Prohibiting Seth D. Thomas from serving as an officer, director, associate, partner,  
8    qualifying manager or responsible managing employee of any registered company during the  
9    period that discipline is imposed on Registered Applicator's License Number RA 50224, issued  
10   to Seth D. Thomas;

11       6.    Ordering Seth D. Thomas to pay the Structural Pest Control Board the reasonable  
12   costs of the investigation and enforcement of this case, pursuant to Business and Professions  
13   Code section 125.3; and,

14       7.    Taking such other and further action as deemed necessary and proper.

15   DATED: 8/29/12

  
SUSAN SAYLOR  
Assistant Executive Officer  
Structural Pest Control Board  
Department of Pesticide Regulation  
State of California  
*Complainant*

19   SA2011101879  
20   10814597.doc